
	<b>Technical Assistance Bulletin</b> MARYLAND STATE DEPARTMENT OF EDUCATION DIVISION OF SPECIAL EDUCATION/EARLY INTERVENTION SERVICES					
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## SPECIFIC LEARNING DISABILITY & SUPPLEMENT (Focus On: Dyslexia, Dyscalculia, and Dysgraphia)

**Issued:** November 7, 2016

Specific learning disability (SLD) is one of the 13 categories of disability recognized by the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400; 34 CFR Part 300. SLD is the only disability category for which the IDEA establishes special evaluation procedures in addition to the general evaluation procedures that are used for all students with disabilities. In order to assist Individualized Education Program (IEP) teams with evaluation of students, this Technical Assistance Bulletin provides a brief overview of the relevant evaluation procedures, as well as illustrative examples of academic difficulties that may form the basis of a SLD determination if a student meets all other criteria under the IDEA and requires the provision of specially designed instruction. In addition, a supplement, ***Focus On Dyslexia, Dyscalculia, and Dysgraphia***, is included to highlight that, where appropriate, the IEP team may find it helpful to include information about a specific condition underlying a student’s disability.

### 1. What is a specific learning disability?

By definition, specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, consistent with Maryland State Department of Education (MSDE) criteria. A full explanation of the criteria to be used for a SLD determination is contained in *A Tiered Instructional Approach to Support Achievement for All Students: Maryland’s Response to Intervention Framework* (June 2008), which can be accessed online at the following link:

[http://marylandpublicschools.org/NR/rdonlyres/D182E222-D84B-43D8-BB81-6F4C4F7E05F6/17125/Tiered\\_Instructional\\_ApproachRtl\\_June2008.pdf](http://marylandpublicschools.org/NR/rdonlyres/D182E222-D84B-43D8-BB81-6F4C4F7E05F6/17125/Tiered_Instructional_ApproachRtl_June2008.pdf)

SLD includes, but is not limited to, conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Given that this is not an exhaustive list, other conditions may also form the basis for a SLD determination if all other criteria under the IDEA are met and the student requires the provision of specially designed instruction. With regard to one item that is on the list, brain injury, please note that “traumatic brain injury” is a distinct disability category under the IDEA. Lastly, the definition of SLD does not include learning problems, which are primarily the result of visual, hearing, or motor impairments, intellectual disability, emotional disability, or environmental, cultural, or economic disadvantage.

*Authority:* 34 CFR § 300.8; COMAR 13A.05.01.03B(73)

### 2. Who determines that a student has a specific learning disability?

The IEP team determines whether a student has a SLD by completing the evaluation process and carefully considering the eligibility criteria under the IDEA, with input from all members of the team. As is the case with any other disability determination, the IEP team consists of various school personnel, the student’s parent or guardian, and, as appropriate, the student. When compiling the

members of the IEP team, it is important to consider the areas of suspected disability so the team is knowledgeable about the student's needs. Certain qualified professionals are expressly required in order for the IEP team to make a SLD determination.

For the purposes of a SLD determination, the IEP team must include: 1) the student's general education teacher; 2) if the student does not have a general education teacher, a general education classroom teacher qualified to teach a student of that age; or 3) for a child of less than school age, an individual qualified by the MSDE to teach a child of that age. In addition, the IEP team must include at least one person qualified to conduct individual diagnostic examinations of students, such as a school psychologist, speech-language pathologist, or reading teacher. The same person may conduct multiple diagnostics, provided he or she is qualified to conduct each.

*Authority:* 34 CFR § 300.308; COMAR 13A.05.01.06D(7)

### **3. What area(s) of academic achievement may be impacted by a SLD?**

The IEP team may determine that a student has a SLD if the student does not achieve adequately for the student's age or meet State-approved grade level standards when provided with learning experiences appropriate for the student's age and ability levels in one or more of the following areas: 1) oral expression; 2) listening comprehension; 3) basic reading skills; 4) reading fluency skills; 5) reading comprehension; 6) written expression; 7) mathematics calculation; or 8) mathematics problem solving. In short, the IEP team is looking for inadequate achievement, despite appropriate instruction, in listening, speaking, reading, writing, and math.

*Authority:* 34 CFR § 300.309; COMAR 13A.05.01.06D(2)(a)

### **4. How does an IEP team determine that a student's achievement has been inadequate?**

Maryland has adopted two processes through which an IEP team can determine that a student's achievement is inadequate and forms the basis for a SLD. The IEP team may consider evaluative data and appropriate assessments to determine whether the student:

- 1) does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the 8 academic areas when using a process based on the student's response to evidence-based intervention; or
- 2) exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development.

The IDEA allows for alternative research-based procedures to identify a SLD, but the MSDE has not identified any such alternatives at this time. Thus, response to intervention (RTI) or a pattern of strengths and weaknesses are the two options that are available in Maryland.

The IEP team may, in conjunction with one of the two options above, also look for a severe discrepancy between intellectual ability and achievement. Severe discrepancy became disfavored during adoption of the 2004 IDEA amendments, in part because it delays intervention until a student's achievement is sufficiently low for a discrepancy to be identified, unlike RTI, which is actively linked to instruction. While a local school system (LSS) may not be required to use a severe discrepancy, it remains available, and may be useful for identifying gifted (twice exceptional) students and/or older students with a SLD.

Ultimately, the IEP team chooses which of the available processes is most appropriate for the evaluation of a particular student. Consistent with 34 CFR § 300.304, however, the IEP team must not use any single measure or assessment as the sole criterion for determining whether a student has a SLD. Information provided by the parent or guardian is considered critical to this determination, as it provides a comprehensive picture of the student's strengths and weaknesses across settings.

A fuller explanation of the processes above and how they fit into an integrated tiered system of supports is contained in *A Tiered Instructional Approach to Support Achievement for All Students: Maryland's Response to Intervention Framework* (June 2008), which can be accessed online at the following link:

[http://marylandpublicschools.org/NR/rdonlyres/D182E222-D84B-43D8-BB81-6F4C4F7E05F6/17125/Tiered\\_Instructional\\_ApproachRtI\\_June2008.pdf](http://marylandpublicschools.org/NR/rdonlyres/D182E222-D84B-43D8-BB81-6F4C4F7E05F6/17125/Tiered_Instructional_ApproachRtI_June2008.pdf)

*Authority:* 34 CFR § 300.307; 34 CFR § 300.309; COMAR 13A.05.01.06D(1); COMAR 13A.05.01.06D(3)

## **5. How does an IEP team determine that a student received appropriate instruction?**

The IEP team is required to consider both: 1) data demonstrating that prior to, or as part of, the referral process, the student was provided appropriate instruction in general education settings, delivered by qualified personnel; and 2) data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, that was provided to the student's parent. In other words, the IEP team must review the student's general education record with regard to both instruction and assessment in the areas of reading, math, and written expression.

One important consideration when evaluating data is that a timely evaluation must not be delayed or denied on the basis that a LSS is implementing a RTI strategy. Additional guidance on this topic is contained in *Memorandum 11-07*, issued by the United States Department of Education, Office of Special Education and Rehabilitative Services (OSERS), which can be accessed online at the following link:

<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep11-07rtimemo.pdf>

*Authority:* 34 CFR §300.309; COMAR 13A.05.01.06D(4)

## **6. Is observation of the student required for a SLD determination?**

Yes. The IEP team must ensure that the student has been observed in the student's learning environment (including the general education classroom setting) to document academic performance and behavior in the areas of difficulty. The IEP team may: 1) use information from an observation *before* the student was referred for an evaluation; or 2) have at least one member of the IEP team, other than the student's general education teacher, conduct an observation *after* the referral was made. In the case of a child of less than school age or out of school, an IEP team member must observe the child in an environment appropriate for a child of that age.

*Authority:* 34 CFR §300.310; COMAR 13A.05.01.05B(5)

## **7. What factors must not be considered when making a SLD determination?**

The IEP team shall not determine a student has a SLD if the student's lack of achievement is primarily the result of: 1) a visual, hearing, or motor impairment; 2) intellectual disability; 3) emotional

disability; 4) cultural factors; 5) environmental, cultural, or economic disadvantage; or 6) limited English proficiency. While the first three items in this list may indicate eligibility under a disability category other than SLD, the IEP team must be particularly careful when considering the last three items. Failure to distinguish a disability from other factors that may impact a student's achievement can lead to inappropriate overidentification by race and ethnicity, and may result in a finding of disproportionality under 34 CFR § 300.646.

*Authority:* 34 CFR §300.309; COMAR 13A.05.01.06D(2)(b)

## **8. What documentation must be completed by the IEP team for a SLD determination?**

When a student is suspected of having a SLD, the IEP team must prepare a written report that includes:

- 1) A statement of whether the student has a SLD;
- 2) The basis for making the determination;
- 3) The relevant behaviors, if any, noted during the observation of the student;
- 4) The relationship of the behaviors to the student's academic functioning;
- 5) The educationally relevant medical findings, if any;
- 6) The determination of the IEP team concerning the effects of visual, hearing, or motor disability, intellectual disability, emotional disability, cultural factors, environmental or economic disadvantage, or limited English proficiency on the student's achievement level; and
- 7) The written certification of each IEP team member as to whether the written report reflects the member's conclusion. If the written report does not reflect an IEP team member's conclusion, the team member must submit a separate statement presenting the team member's conclusions.

If the student participated in a process to assess the student's response to evidence-based intervention, the written report must also include:

- 1) The instructional strategies used and the student-centered data collected;
- 2) Documentation that the student's parents were notified of the MSDE's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
- 3) Strategies for increasing the student's rate of learning; and
- 4) The parents' right to request an evaluation.

*Authority:* 34 CFR § 300.311; COMAR 13A.05.01.06D(5) & (6)

## **9. Does a SLD determination guarantee any specific items on the student's IEP?**

No. The IEP team must determine what special education and related services, supplementary aids and services, modifications, and accommodations are appropriate based on the individual student's needs. A SLD, regardless of the underlying condition (e.g. perceptual disability, brain injury, minimal brain dysfunction, dyslexia, or developmental aphasia), may manifest itself in a number of ways, with varying degrees of severity. Therefore, the IEP team must rely upon multiple sources of information and data, and plan for specially designed instruction that targets the identified needs of the student. A determination that a student fits into a particular disability category – SLD or otherwise – does not dictate a particular placement, nor does it guarantee a particular set of services. No single measure or assessment can be used as the sole criterion for determining an appropriate educational program for a student.

*Authority:* 34 CFR § 300.304; COMAR 13A.05.01.05B(3)

## SPECIFIC LEARNING DISABILITY SUPPLEMENT (Focus On: Dyslexia, Dyscalculia, and Dysgraphia)

Specific learning disability (SLD) is the largest disability category, representing nearly thirty (30) percent of students with disabilities in Maryland. The purpose of this supplement is to affirm that dyslexia, dyscalculia, and dysgraphia are recognized as conditions that may underlie a student's specific learning disability, provided that all criteria are met under the Individuals with Disabilities Education Act (IDEA) as described in this SLD Technical Assistance Bulletin.

There is nothing in Maryland law, policy, procedures, or practices that prohibits use of these terms – dyslexia, dyscalculia, and dysgraphia – by Individualized Education Program (IEP) teams as it relates to evaluations, eligibility, and IEP documents. Indeed, the IEP team may find it helpful to include information about the specific condition underlying the student's disability for the purpose of instructional planning and appropriate IEP implementation.

For additional guidance on this topic, you may wish to consult the *Dear Colleague Letter* that was issued by the U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS) on October 23, 2015. It can be accessed online at the following link:

<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/guidance-on-dyslexia-10-2015.pdf>

### Definitions

- **Dyslexia:** According to the International Dyslexia Association, dyslexia is a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.<sup>1</sup>
- **Dyscalculia:** A neurologically based specific learning disability, dyscalculia is characterized by unusual difficulty solving arithmetic problems and grasping math concepts. The most common problem is with “number sense.” This is an intuitive understanding of how numbers work and how to compare and estimate quantities. Students may know *what* to do in math class, but not understand *why* they are doing it because the logic behind the calculation is missing.<sup>2</sup>
- **Dysgraphia:** A neurologically based specific learning disability, dysgraphia can present as difficulties with spelling, poor handwriting, and trouble putting thoughts on paper. It can be a language based and/or non-language based disorder. When it is language based, a student may have difficulty converting the sounds of language into written form, or knowing which alternate spelling to use for each sound. When it is non-language based, a student may have difficulty performing the controlled fine motor skills required to write. Students with dysgraphia may speak more easily and fluently than they write.<sup>3</sup>

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<sup>1</sup> <https://dyslexiaida.org/definition-of-dyslexia/>

<sup>2</sup> <https://www.understood.org/en/learning-attention-issues/child-learning-disabilities/dyscalculia/understanding-dyscalculia>

<sup>3</sup> <https://dsf.net.au/what-is-dysgraphia/>

## Identification

### 1. Do Maryland public schools screen all students for these conditions?

No. The use of universal screeners for dyslexia, dyscalculia, and dysgraphia is not required in Maryland; however, it is recognized that screening is a critical component of an education system designed to provide early intervention. Screening tools are designed to identify or predict students who may be at risk for learning differences. Delivered to all students, universal screeners are brief assessments that do not diagnose a particular condition, but rather flag certain students for further evaluation. In addition to screening tools, observation and other informal assessments may provide the first indication that a student is struggling with reading, writing, or mathematics. Not only is it important to pick up on the early warning signs of students who are at risk of academic failure, but also to focus on appropriate instruction and use of evidence-based interventions.

### 2. Who can identify one of these conditions?

Dyslexia, dyscalculia, and dysgraphia may be identified through the IEP team process or by an outside source. The IEP team's responsibility is to determine whether a student qualifies as a student with a disability under the IDEA. To that end, the IEP team decides, as part of its comprehensive evaluation, the various assessments needed to address all areas related to the suspected disability and to determine eligibility.

The IEP team is required to include at least one person, such as a school psychologist, speech-language pathologist, or reading teacher, qualified to conduct individual diagnostic examinations when considering a SLD determination. A person is qualified if he or she has met the State approved certification or licensing requirements to conduct and interpret the relevant diagnostic examinations. Once an examination has been conducted, the qualified person will interpret the results for the IEP team and may, as appropriate, identify that certain data is consistent with someone presenting with dyslexia, dyscalculia, or dysgraphia. Upon considering all available information and the applicable criteria under the IDEA, the IEP team must then make its SLD determination.

Outside of the IEP team process, a student may be identified with dyslexia, dyscalculia, or dysgraphia by a licensed psychologist or other professional qualified to assess intellectual and educational functioning. The ability to issue a diagnosis of one of these conditions may depend upon the scope of a person's practice and whether he or she is licensed or certified. Any such identification or diagnosis by an outside source should be shared with the IEP team as the team considers what educational assessments are appropriate and necessary to be ordered. The determination of eligibility for special education and related services, as a student with a SLD, ultimately follows the IEP team's application of the evaluation procedures under the IDEA.

### 3. Does having one of these conditions qualify a student for services under the IDEA?

While a student with dyslexia, dyscalculia, or dysgraphia may qualify for services under the IDEA, having one of these conditions does not automatically qualify a student for services. A student only qualifies for services after an IEP team has conducted a comprehensive evaluation, determined that the student meets all of the criteria for one of the disability categories under the IDEA, and found that the student requires specially designed instruction to address the unique needs that result from his or her disability and to ensure access to the general education curriculum. Dyslexia, dyscalculia, and dysgraphia are not their own disability categories, but rather examples of SLD. Thus, even if one of these conditions is identified, the student must be evaluated and determined eligible by an IEP team in accordance with the IDEA.



Please note, however, that if a student is not deemed eligible for special education and related services under the IDEA, he or she may still be protected under Section 504 of the Rehabilitation Act. Effective October 11, 2016, dyslexia and other specific learning disabilities were added as examples within the definition of “physical or mental impairment” under Title II of the Americans with Disabilities Act (28 C.F.R. § 35.108(b)(2)).

#### 4. Can these conditions be referenced in a student’s IEP?

Yes. There is nothing in the IDEA or Maryland law that prohibits the inclusion of the condition that underlies a student’s disability in the IEP document. The IEP must address the student’s needs resulting from that disability in order to enable the student to advance appropriately toward attaining his or her annual IEP goals and to be involved in, and make progress in, the general educational curriculum. Proper identification must be obtained through an examination ordered by the IEP team or conducted independently. Once identified, the IEP team should include information about dyslexia, dyscalculia, or dysgraphia in documenting how that condition relates to the student’s eligibility determination. Information included in the present levels of academic achievement and functional performance (PLAAFP) section of the IEP must include data-based, student-specific information describing the student’s strengths and needs resulting from the disability, including how it affects his or her involvement and progress in the general education curriculum. Adding this level of specificity to a SLD determination may be helpful in planning specially designed instruction to address the student’s underlying academic difficulties in reading, writing, and math. Even if a particular condition has not been identified by the IEP team, or by an outside source, discussion of dyslexia, dyscalculia, or dysgraphia may be included in the meeting notes. The meeting notes should reflect the concerns of the parent or guardian, even if at the time of the IEP team meeting he or she is only reporting a suspicion of a particular condition that has not yet been identified.

### Instruction

#### 1. What area(s) of academic achievement might these conditions impact?

The conditions of dyslexia, dyscalculia, and dysgraphia may impact achievement across multiple areas of Maryland’s academic content standards. A student with **dyslexia** may lack phonemic awareness, making it difficult to identify individual letters and sounds. This may manifest itself in basic reading skills, which when compounded make it difficult to read fluently or quickly enough to comprehend. A student with **dyscalculia** may struggle with basic mathematics calculation, making multi-step equations and word problems particularly frustrating. A student with **dysgraphia** may be confronted with physical and/or language based challenges while learning to write. This can impact stamina or legibility during handwriting, as well as spelling and organization during composition.

### Dyslexia<sup>4</sup>

**General problems experienced by students with dyslexia may include:**

- Phonological processing
- Alphabetic principles
- Decoding
- Articulation
- Written expression
- Spelling

**Specific problems for elementary aged students may include:**

- Word recall
- Reading fluency

<sup>4</sup> <https://ldaamerica.org/types-of-learning-disabilities/dyslexia/>

- Math fact fluency
- Understanding the rhyming of words
- Differentiating between words that begin with the same sound;
- Pronunciation
- Rapid letter naming
- Using words that lack specificity (e.g. “stuff” or “thing”)
- Family history of spoken or written language problems

(Moats & Dakin, 2012)

## Dyscalculia<sup>5</sup>

**General problems experienced by students with dyscalculia may include:**

- Recalling basic math facts
- Time management
- Poor sense of direction
- Understanding information on graphs or charts
- Understanding words related to math, such as greater than or less than
- Identifying mathematic symbols
- Making change

**Specific problems for elementary aged students may include:**

- Learning to count

## Dysgraphia<sup>6</sup>

**General problems experienced by students with dysgraphia may include:**

- Difficulty spelling
- Poor handwriting
- Trouble putting thoughts on paper
- Poor organization of writing on the page
- Body awareness or feedback in the hands
- Poor endurance for handwriting

**Specific problems for elementary aged students may include:**

- Writing letters much slower than other children their age
- Wiggling around and not able to get comfortable while drawing or writing
- Spelling the same word differently
- Filling papers with erasures and cross outs
- Using vague words or repeating the same words in sentences
- Misusing or omitting punctuation

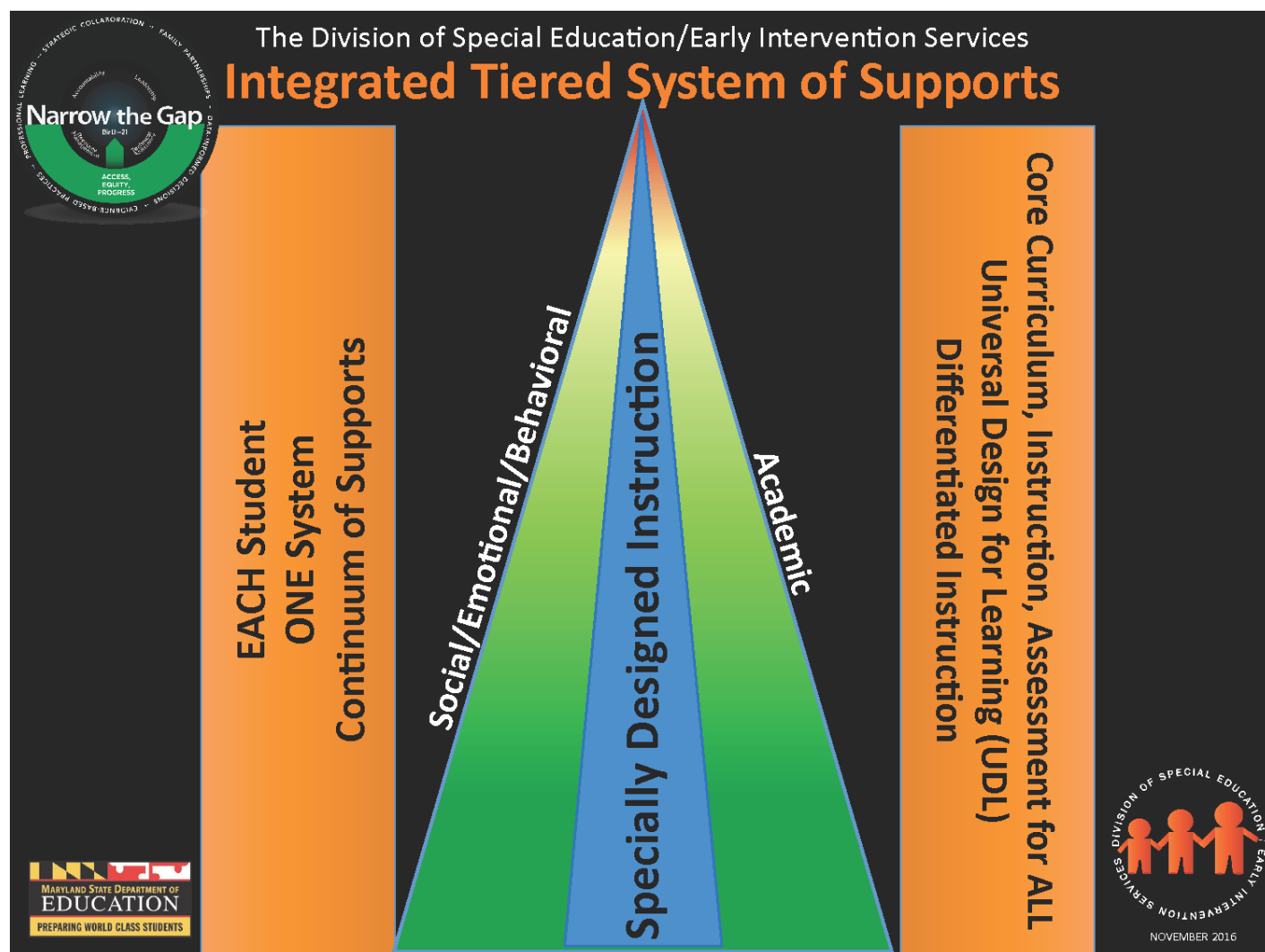
## 2. How do I know if one of these conditions requires specially designed instruction?

All students should be provided with an integrated tiered system of supports that incorporates a range of evidence-based practices and interventions matched to identified areas of need. The results of frequent, ongoing and consistent progress monitoring for all students should be analyzed to ensure students are responding adequately to the instruction provided. Some students, who are not achieving adequately despite appropriate instruction, may require more intensive, specially designed instruction, as illustrated below. In that case, the student should be evaluated by an IEP team and an IEP developed as appropriate.

<sup>5</sup> <https://ldaamerica.org/types-of-learning-disabilities/dyslexia/>

<sup>6</sup> <https://ldaamerica.org/types-of-learning-disabilities/dysgraphia/>





For dyslexia, observation and assessments should address phonemic awareness, phonics, and decoding. One of the most accurate and powerful predictors of later reading achievement in kindergarten and first grade are timed tests of letter naming or letter sound associations, also known as Rapid Automatized Naming and Rapid Automatized Spelling (Moats & Dakin, 2008; Norton & Wolf, 2012). For dyscalculia, observation and assessments of a student’s ability to recognize numbers and symbols, connect numbers to real life situations, and identify and sort patterns may be particularly useful. For dysgraphia, early warning signs include a student’s memory retrieval of letters and sounds, pen/pencil grip, handwriting posture, and visual spacing.

All students who experience difficulty learning to read, write, or understand mathematics, however, will not require special education. A student’s response to instruction is a critical indicator of the nature and severity of his or her academic difficulties. Thus, as illustrated above, it is important to consider the rate of growth as a result of interventions within a on the way toward a comprehensive evaluation for an IEP that provides specially designed instruction.

### 3. What might specially designed instruction look like?

Students with persistent reading disabilities, such as dyslexia, may require evidence-based interventions alongside specially designed instruction. One highly recommended approach is structured literacy instruction, which emphasizes the structure of language, including the speech

sounds and the writing systems. To be effective, such instruction must be explicit, systematic, cumulative, and diagnostic (International Dyslexia Association, 2015). Structured literacy is marked by several elements, including: phonology; sound-symbol association; syllable instruction; morphology; syntax; and semantics.<sup>7</sup> Other important factors include the intensity, fidelity, and customization of instruction to meet the individual needs of the student and increase the rate of learning, which helps to narrow the gap in reading achievement for that student.

Experiencing difficulties in processing mathematical information is as complex as the challenges faced by students with dyslexia. Thus, the basis of support is similar to that of other disabilities, which requires understanding the student's strengths and needs. Because many students with dyscalculia struggle with the language based elements of mathematics, it is recommended that intervention avoid reliance on language and auditory memory. Useful strategies may include chunking of information, focus on key elements of the questions, and building strong connections between prior and new knowledge (Tapper, 2012).

Students with dysgraphia may benefit from accommodations, such as typing or speech to text input, while shortening responses or allowing alternative methods of output may serve as functional modifications. Like with dyslexia, handwriting instruction should be explicit and target foundational skills, including letter formation, automaticity, and fluency. Multisensory techniques and modeling are very beneficial.

Regardless of which condition may underlie a student's disability, the IEP is the critical document that outlines the specially designed instruction, accommodations, modifications, and other supports appropriate for that student, given the student's individualized needs. With each of the required elements in place, the IEP is designed to give the student access to the general education curriculum based on the State's academic content standards for the grade in which the student is enrolled, and includes instruction and supports that will prepare the student for success in college and careers.

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<sup>7</sup> <https://dyslexiaida.org/effective-reading-instruction/>

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